IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 440 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

VAHAB AADAM

Appearance:

MR AJ DESAI, APP for Petitioner

MR NIRAJ V. ASHAR for Respondent.

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 20/02/2001

ORAL JUDGEMENT

1. The applicant-State of Gujarat has filed this Criminal Revision Application under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (hereinafter referred to as `the Code') challenging the order dated 11th September, 2000, passed by the learned Sessions Judge, Amreli, at Exh.42 in Sessions Case No.71 of 1998. The learned Sessions Judge by the aforesaid order has accepted the application of the accused filed under Section 311 of the Code and issued fresh summons to witness Faridaben Farukhbhai for cross-examining her.

2. The aforesaid order was challenged by the State by filing this revision application dtd.20.10.2000 and

when the matter was placed before this Court (Coram: K.M.Mehta,J.) pleased to pass following order on 22.1.2001.

"Rule returnable on 13th February, 2001. Interim relief in terms of Para 4(b) till then."

3. When the matter reached hearing before this Court today, Shri A.J.Desai, learned APP has appeared on behalf of State and Shri Niraj Ashar, learned advocate has appeared on behalf of respondent. It has been stated that after the aforesaid order was passed by the learned Sessions Judge, witness Faridaben Farukhbhai was again examined and thereafter the Sessions Case No.71/98 was finally disposed of by the learned Sessions Judge by his judgment and order dated 25th January, 2001, wherein the learned Sessions Judge was pleased to acquit the accused in this behalf. The certified copy of the judgment and order dated 25th January, 2001, of the learned Sessions Judge produced by the learned APP be kept on record.

4. In view of the same, when the entire Sessions Case is disposed of by the learned Sessions Judge, the present Criminal Revision Application does not survive at this stage and, therefore, the same is accordingly disposed of. Rule is discharged. Interim relief granted earlier shall stand vacated.

(K.M. Mehta, J.)

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